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SENATE BILL 946

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO FIREFIGHTERS; ENACTING THE FIREFIGHTERS' SURVIVORS
SUPPLEMENTAL BENEFITS ACT; CREATING THE FIREFIGHTERS' SURVIVORS
FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Firefighters' Survivors Supplemental Benefits Act".

Section 2. FINDINGS--PURPOSE.--The legislature finds that
firefighters throughout the state risk their lives daily to
protect the residents of New Mexico. The legislature further
finds that when firefighters are killed in the line of duty,
their immediate families can suffer grievously, both
emotionally and economically. To recognize the substantial
public safety benefits conferred by firefighters, and in
consideration of the sacrifices undertaken by these individuals

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1 and their families for the residents of New Mexico, it is the
2 purpose of the Firefighters' Survivors Supplemental Benefits
3 Act to ensure that certain supplemental death benefits accrue
4 to the spouses and surviving children, or parents if there are
5 no surviving children or spouse, of firefighters killed in the
6 line of duty.

7 Section 3. DEFINITIONS.--As used in the Firefighters'
8 Survivors Supplemental Benefits Act:

9 A. "firefighter" means any full- or part-time
10 member or a volunteer member of a fire department that is part
11 of or administered by the state or any political subdivision of
12 the state and any red-carded firefighter trained in wildland
13 firefighting skills and hired by the state of New Mexico; and

14 B. "fund" means the firefighters' survivors fund.

15 Section 4. FUND CREATED.--The "firefighters' survivors
16 fund" is created in the state treasury and shall be
17 administered by the state fire marshal. The fund shall consist
18 of all gifts, donations and bequests of money to the fund as
19 well as any appropriations made to the fund. Earnings from
20 investment of the fund shall be credited to the fund. Money in
21 the fund is appropriated to the state fire marshal for the
22 purpose of paying death benefits pursuant to the Firefighters'
23 Survivors Supplemental Benefits Act and shall be paid out only
24 upon warrants issued by the secretary of finance and
25 administration pursuant to vouchers signed by the state fire

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1 marshal. Any unexpended or unencumbered balance remaining in
2 the fund at the end of any fiscal year shall not revert.

3 Section 5. FIREFIGHTERS' SURVIVORS SUPPLEMENTAL
4 BENEFITS-- REVIEW COMMITTEE-- DETERMINATION-- PAYMENT. --

5 A. There is created the "firefighters' survivors
6 supplemental death benefits review committee". The committee
7 shall consist of the attorney general, the president of the New
8 Mexico fire chiefs association and the state president of the
9 New Mexico professional firefighters association or their
10 designees.

11 B. The firefighters' survivors supplemental death
12 benefits review committee shall determine whether a firefighter
13 has been killed in the line of duty and advise the state fire
14 marshal of that determination. In addition to any other death
15 benefits provided by law, the surviving spouse or children
16 shall be paid fifty thousand dollars (\$50,000) as supplemental
17 death benefits whenever a firefighter is killed in the line of
18 duty. The benefits shall be paid from the fund.

19 C. The benefits shall be paid entirely to the
20 surviving spouse. If there is no surviving spouse, the
21 benefits shall be distributed in pro rata shares to all
22 surviving children. If there are no surviving children or
23 spouse, benefits shall be distributed to the surviving parents
24 of the firefighter.